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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/064,146 | 06/14/2002 | Mark A. Kappel | 126063 | 3242 |
| 27256 7590 05/07/2008 Dickinson Wright PLLC 38525 Woodward Avenue Suite 2000 Bloomfield Hills, MI 48304 | | | | |
| EXAMINER | | | | |
| PHAN, THIEM D | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3729 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 05/07/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/064,146

Applicant(s)

KAPPEL ET AL.

Examiner

THIEM PHAN

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Prosecution on the merits of this application is reopened on claims 1-8 and 10-12 considered unpatentable for the reasons indicated below:

Applicants are advised that the Notice of Allowance mailed is vacated. If the issue fee has already been paid, applicants may request a refund or request that the fee be credited to a deposit account. However, applicants may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicants may request that the previously submitted issue fee be applied. If abandoned, applicants may request refund or credit to a specified Deposit Account.

The indicated allowability of claims 1-13 are withdrawn in view of the newly discovered reference(s) to US 3,699,629. Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 7, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. They recite the limitation "said post(s)" (claim 1, line 8; claim 7, line 2; claim 10, last line; claim 11, line 1) where there is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hood, Jr. et al (US 3,699,629).

Regarding claim 1, as best understood, Hood, Jr. et al teach an electrical component insertion-removal tool, comprising:

- a piston assembly (Fig. 5, 76) having a channel therethrough (Fig. 6, between 66 & 68);
- a cross-member (Fig. 3, 70) slidably receiving said piston assembly, said cross-member having a slot (Fig. 3, 132) therein, said cross-member having a post head (Fig. 4, 88) sized to be received within a retraction feature (Figs. 4 to 5, 80 & 82) which function is to retract and to grab an IC (Fig. 5, IC); and
- a pin (Fig. 3, 130) positioned within said channel and slidably received within said slot; and wherein said post head comprises a mounting post and a cylindrical portion (Fig. 5, head and body of threaded screw at bottom end of 74).

Regarding claim 2, Hood, Jr. et al teach a piston (Fig. 5, 74) having a first and second end (Fig. 5, both ends of 74).

Regarding claim 3, Hood, Jr. et al teach that the piston assembly has a handle (Fig. 5, 78) disposed on the first end.

Regarding claim 4, Hood, Jr. et al teach that the channel is disposed on the second end of the piston (Fig. 5, bottom of 74).

Regarding claim 5, Hood, Jr. et al teach that the piston assembly comprises a grip (Fig. 5, 108 & 110) having an opening (Fig. 5, between 108 & 110)) therethrough for slidably receiving said piston therethrough.

Regarding claim 6, Hood, Jr. et al teach a spring (Fig. 6, 136) positioned on said piston between said handle and said grip, said spring urging said handle away from said grip.

Regarding claim 7, as best understood, Hood, Jr. et al teach that the post head comprises a first and second post (Fig. 5, head and body of threaded screw at bottom end of 74).

Regarding claim 8, Hood, Jr. et al teach that the pin (Fig. 6, 130) has an angular shape.

Regarding claim 10, as best understood, Hood, Jr. et al teach an electrical component insertion-removal tool, comprising:

- a piston (Fig. 5, 74) having a handle (Fig. 5, 78) disposed on a first end and a channel (Fig. 6, between 66 & 68) disposed on a second end;
- a grip (Fig. 5, 108 & 110) having an opening (Fig. 5, between 108 & 110) therethrough for slidably receiving said piston;
- a spring (Fig. 6, 136) positioned on said piston between said handle and said grip, said spring urging said handle away from said grip;
- a sleeve (Fig. 4, 92) adjacent to the grip for slidably receiving the piston;
- a cross-member (Fig. 3, 70) adjacent to said sleeve, said cross-member having a slot (Fig. 5, 72) therein, said cross-member having a post head (Fig. 4, 88) sized to be received

with a retraction feature (Figs. 4 to 5, 80 & 82), which function is to retract and to grab an IC (Fig. 5, IC); and

- a pin (Fig. 3, 130) positioned within said channel and slidably received within said slot; and wherein said post head comprises a mounting post and a cylindrical portion (Fig. 5, head and body of threaded screw at bottom end of 74).

Regarding claim 11, as best understood, Hood, Jr. et al teach that the post head comprises a first and second post (Fig. 5, head and body of threaded screw at bottom end of 74).

Regarding claim 12, Hood, Jr. et al teach that the pin (Fig. 6, 130) has an angular shape.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 571-272-4568. The examiner can normally be reached on M & Tu, 6AM - 2PM, and W & Th, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phan Thiem/

Tim Phan
Examiner
Art Unit 3729

May 6, 2008